

## **REMARKS**

With this Response Applicant respectfully requests that claims 22-40 be canceled.

Claims 41-59 are added herein. Therefore, claims 41-59 are pending.

## **CLAIM OBJECTIONS - MISNUMBERED CLAIMS**

The Office Action identifies a claim numbering error in that a previously filed Response added new claims that were improperly numbered. Specifically, the Response was filed with two claims numbered 24, making the second claim 24 and all subsequent claims misnumbered. Applicant appreciates that the Examiner renumbered the second claim 24 and the subsequent claims, as well as correcting the dependency of dependent claims to reflect the renumbering. However, as Applicant has elected to cancel these claims, this objection is moot, other than noting that Applicant has reflected the renumbering in the canceled claims and the subsequently newly added claims.

## **CLAIM REJECTIONS - 35 U.S.C. § 103**

### **Claims 22-40**

Claims 22-25, 27, 29-34, 36, and 38-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,081,883 issued to Popelka et al. (*Popelka*) in view of U.S. Patent No. 6,360,306 issued to Bergsten (*Bergsten*). Claims 26 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Popelka* and *Bergsten* in view of U.S. Patent No. 6,356,929 issued to Gall et al. (*Gall*). Claims 28 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Popelka* and *Bergsten* in view of U.S. Patent No. 5,948,062 issued to Tzelnic et al. (*Tzelnic*). Applicant has canceled these claims, rendering rejection of these claims moot.

### New Claims 41-58

Applicant present herein claims 41-58. Applicant submits that these new claims include elements not disclose in the cited references, and thus are patentable over the cited reasons for including at least one element not disclosed or suggested by the cited references. The merits of the cited references are discussed below.

Regarding *Popelka*, Applicant has understood that *Popelka* discusses a host processor 105 connected to multiple disks 150-156, each disk including a file processor 130-136 and storage processor 140-146, over an interconnect **bus** 120. See Figure 1; col. 4, line 46 to col.6, line 11. Applicant notes that a **bus** is local to a machine, and fails to suggest geographic disparity. Furthermore, the reference fails discusses receiving requests from network interfaces over a network 100. See col. 2, lines 42 to 54. *Popelka* at col. 15, line 23 to col. 16, line 14 discusses processing the requests, which in every embodiment are "RPC" requests, which Applicant understands to be "remote procedure call" requests. RPC refers to a protocol used to request a service in a remote machine, which remote machine is understood according to the reference to be located on a local area network. Even assuming that the interpretation of the Office Action is correct and the storage disks could be interpreted as storage centers as recited in the claims, which Applicant does not concede, the reference fails to support an interpretation that the storage disks could be geographically disparate and coupled to each other and a client over a wide area, public access network, as recited in the independent claims.

Applicant notes that *Popelka* makes reference to "general Internet services" at col. 9, lines 4 to 5 (the Internet obviously referring to a wide area network); however, Applicant further notes that this reference to "Internet services" merely explains the operation of host processor 105, and fails to provide support for an interpretation that the storage disks 150-156 could be

coupled to each other over the Internet. Thus, *Popelka* fails to disclose or suggest geographically disparate storage centers accessible over a wide area, public access network, and so fails to disclose at least one element of the claimed invention.

Regarding *Bergsten*, Applicant has understood that the reference discusses storage arrays "that may be located geographically distant from ... other storage arrays," (col. 4, lines 16 to 17), and that the storage arrays are coupled to a storage controller, and each storage controller is "coupled to another storage controller via a communication link 9" (col. 3, lines 54 to 55). The "communication link 9 between two geographically-separated storage controllers may be **provided by a local area network (LAN).**" Col. 3, lines 55 to 58, emphasis added. Importantly, the reference fails to suggest that communication link 9, or communication "paths" 7 and 8 (which couple a computer to the storage controller and the storage controller to the storage arrays, respectively) could be a wide area, public access network, in contrast to the claimed invention. Thus, *Bergsten* suffers the same deficiencies as *Popelka* with regard to at least one element of the claimed invention, and so fails to cure the deficiencies of *Popelka* noted above.

Regarding *Gall*, the reference is cited as disclosing a multicast protocol, and Applicant submits that the reference fails to cure the deficiencies of *Popelka* and *Bergsten* as set forth above. Regarding *Tzelnic*, the reference is cited as disclosing load balancing for parallel processing, and Applicant submits that the reference fails to cure the deficiencies of the other references discussed above. Thus, alone or in combination, the references fail to disclose or suggest geographically disparate storage centers coupled over a wide area, public access network and accessible over the network via a virtual file system, as recited in the claimed invention. Therefore, Applicant submits that the cited references fail to disclose or suggest at least one

element of the claimed invention and so fail to render obvious the invention as recited in the claims.

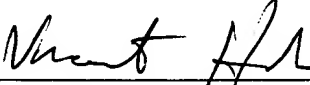
**CONCLUSION**

For at least the foregoing reasons, Applicant submits that all rejections have been overcome, placing all pending claims in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
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